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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------|-----------------------|----------------------|-------------------------|------------------|
| 10/051,542 | 01/17/2002 | Dario Gristina | 112439.120 | 9650 |
| 28089 | 7590 03/25/2004 | | EXAMINER | |
| HALE AND DORR LLP | | | KIM, PAUL L | |
| 300 PARK A | AVENUE K, NY 10022 | | ART UNIT PAPER NUMBER | |
| | - , | | 2857 | |
| | | | DATE MAILED: 03/25/2004 | 1 |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) | |
|---|--|--|-----------------------|
| | 10/051,542 | GRISTINA ET AL | |
| Office Action Summary | Examin r | Art Unit | j |
| · | Paul L Kim | 2857 | Pr Pr |
| The MAILING DATE of this communication a Period for Reply | ppears on the cover sheet | with the correspond nce ac | ldress |
| A SHORTENED STATUTORY PERIOD FOR REF THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re If NO period for reply is specified above, the maximum statutory perions - Failure to reply within the set or extended period for reply will, by stat Any reply received by the Office later than three months after the main earned patent term adjustment. See 37 CFR 1.704(b). | I. 1.136(a). In no event, however, may pply within the statutory minimum of t id will apply and will expire SIX (6) M ute, cause the application to become | a reply be timely filed hirty (30) days will be considered time ONTHS from the mailing date of this o ABANDONED (35 U.S.C. § 133). | ly. communication. |
| Status | | | |
| 1) Responsive to communication(s) filed on 17 | January 2002. | | |
| 2a) This action is FINAL . 2b) The | nis action is non-final. | | |
| 3) Since this application is in condition for allow closed in accordance with the practice unde | | | e merits is |
| Disposition of Claims | , an parto quayro, 1000 C | .5. 11, 100 0.0. 210. | |
| 4) Claim(s) 1-144 is/are pending in the applicate 4a) Of the above claim(s) is/are withd 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-144 are subject to restriction and Application Papers 9) The specification is objected to by the Exami | rawn from consideration. /or election requirement. | | |
| 10)☐ The drawing(s) filed on is/are: a)☐ a | | to by the Examiner. | |
| Applicant may not request that any objection to the | | | |
| Replacement drawing sheet(s) including the com- | | | |
| Priority under 35 U.S.C. § 119 | | | |
| 12) Acknowledgment is made of a claim for forei a) All b) Some * c) None of: 1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the priority docume application from the International Bure * See the attached detailed Office action for a life | ents have been received. ents have been received in riority documents have be eau (PCT Rule 17.2(a)). | Application No en received in this National | l Stage |
| Attachment(s) | ∆ \ | u Summery (PTO 442) | |
| Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/0 Paper No(s)/Mail Date | Paper N | w Summary (PTO-413) lo(s)/Mail Date of Informal Patent Application (PT | O-152) |

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Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-65 and 90-144, drawn to real time resource consumption tracking, classified in class 702, subclass 62.
 - II. Claims 66-89, drawn to a graphical user interface, classified in class 345, subclass 1+.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a system and method for collecting and processing resource usage information while invention II discloses a method of representing building infrastructure in the form of a graphical user interface. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

2. Should the applicant elect the invention of group I, the following election of species is deemed proper and hereby imposed:

A: Species I (claims 1-65, 90-100, and 133-144), as best illustrated by figures 1 and 2.

B: Species II (claims 101-132), as best illustrated by figure 3.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

3. A telephone call was made to Scott Carey on March 11, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 571-272-2217.

The examiner can normally be reached on Monday-Thursday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PΚ

March 16, 2004

MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

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